



WEB COPY



W.P. No. 31605 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 11.12.2023**

**CORAM**

**THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU**

**W.P. No. 31605 of 2023**

**and**

**W.M.P. No. 31230 of 2023**

M/s. Qun Interiors Pvt. Ltd.,  
Represented by its Managing Director Harun S Saheer,  
Mr. Harun,  
8A/83, 4<sup>th</sup> Street,  
Krishna Avenue,  
Abhiramapuram,  
Chennai – 600 018.

... Petitioner

-VS-

1. The Chairperson,  
MSME Facilitation Council,  
Guindy,  
Chennai – 600 032.
2. M/s. Karthiga Enterprises,  
Rep. by its Proprietor,  
Amuthudevan Thirusangu,  
25, Kanagammal Colony Main Road,  
Nanganallur,  
Chennai – 600 061.

... Respondents

**Prayer:-** Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records of the First Respondent related to the impugned Order in Proceedings No. MSEFC/CR/354/2022 dated 12.05.2023 and to quash the same.



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W.P. No. 31605 of 2023

For Petitioner : Mr. Hari Prashanth  
For Respondents : Mr. E.Veda Bagath Singh,  
Special Government Pleader (for R1)  
No appearance (for R2)

## ORDER

Heard Mr. Hari Prashanth, Learned Counsel for the Petitioner and Mr. E.Veda Bagath Singh, Learned Special Government Pleader appearing for the First Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. When it was pointed out that the Petitioner cannot invoke the discretionary jurisdiction of this Court under Article 226 of the Constitution to challenge the order dated 12.05.2023 in Case No. MSEFC/CR/354/2022 passed by the First Respondent under Section 18 of the Micro, Small and Medium Enterprises Development Act, 2006, in view of the effective alternative remedy available under Section 34 of the Arbitration and Conciliation Act, 1996, before the jurisdictional Court as held by the Hon'ble Supreme Court of India in ***India Glycols Limited -vs- Micro and Small Enterprises Facilitation Council,***



W.P. No. 31605 of 2023

**Medchal-Malkajgiri** (Order dated 06.11.2023 in Civil Appeal No. 7491 of

(2023), Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition with liberty to resort to the aforesaid procedure and he has made an endorsement to that effect in the court record.

In such circumstances, the Writ Petition is dismissed as withdrawn granting such liberty. It is made clear that for the purpose of reckoning limitation for availing the aforesaid remedy, the period from the date of filing of the Writ Petition, viz., 13.10.2023, till the date on which the certified copy of this order is made ready by the Registry, shall be excluded. Consequently, the connected Miscellaneous Petition is closed. No costs.

11.12.2023

Index: Yes/No

NCC: Yes/No

**Note: (i) Issue order copy by 31.01.2024.**

**(ii) Registry is directed to return the impugned order under written acknowledgment after retaining a copy of the same for record.**

vjt

To

The Chairperson,  
MSME Facilitation Council,  
Guindy,  
Chennai – 600 032.



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**P.D. AUDIKESAVALU, J.**

**vjt**

**W.P. No. 31605 of 2023**

**11.12.2023**